

REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Office Action of July 11, 2006 (hereinafter "Office Action"). In response, Applicant respectfully submits that the cited reference fails to disclose, at least, a portable communication device that includes three antenna elements. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 21 and 39 are Patentable

Independent Claims 21 and 39 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Application Publication No. 2003/0129950 to Kwak (hereinafter "Kwak"). (Office Action, page 2). Independent Claim 1 is directed to a portable communication device and recites, in part:

- a first part comprising a **first antenna element** located within and extending through a portion of the first part and radio circuit feeding antenna elements;
- a second part hingedly joined to an end of the first part for providing at least one open and one closed position of the phone;
- a hinge element connected to the first and second parts, stretching along the end of the first part for providing rotation of one of the first and second parts in relation to the other one of the first and second parts around a first axis and having a first and second end, wherein a **second antenna element** is provided in the interior of the hinge element;
- a **third antenna element** located within and extending through a portion of the second part and being electrically connected to the second antenna element at least at the first end of the hinge element; and
- a radio circuit connected between the first and second antenna elements.... (Emphasis added).

Thus, according to independent Claim 1 a portable communication device includes three distinct antenna elements with the first antenna element being disposed in the first part of the portable communication device, the second antenna element being disposed in the hinge element of the portable communication device, and the third antenna element being disposed in a second part of the portable communication device. Independent Claim 39 includes similar recitations.

The Office Action cites antenna elements 126 and 124 shown in FIG. 3 of Kwak as allegedly corresponding to the first and third antenna elements recited in independent Claim 1. (Office Action, page 2). The Office Action further alleges that element 121 of FIG. 3 of Kwak corresponds to the second antenna element recited in independent Claim 1. (Office Action, page 2). Applicant respectfully disagrees with this interpretation of the teachings of Kwak. Element 121 shown in FIG. 3 of Kwak is an electrical coupling plate that is formed in the hinge unit 103. (Kwak, paragraph 43 and FIG. 3). Thus, in sharp contrast to the recitations of independent Claims 21 and 39, Kwak only discloses two antenna elements because the element 121 is not an antenna element at all, but is instead an electrical coupling plate. As is known to those of skill in the art, an antenna is an electrical device that is designed to transmit and/or receive electromagnetic signals. Kwak does not contain any disclosure or suggestion therein that the electrical coupling plate 121 is capable of transmitting and/or receiving electromagnetic signals. Instead, Kwak illustrates in FIG. 7 that the electrical coupling plate 121 is configured to develop capacitive coupling with another electrical coupling plate 120 to provide an electrical connection therebetween.

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 21 and 39 are patentable over Kwak and that Claims 22 - 28 are patentable at least per the patentability of independent Claims 21.

Dependent Claim 22 is Separately Patentable

Dependent Claim 22 stands rejected under 35 U.S.C. §103(e) as being anticipated by Kwak. (Office Action, page 2). Applicant submits that dependent Claim 22 is patentable at least per the patentability of independent Claim 21 discussed above. Applicant further submits that dependent Claim 22 is separately patentable because neither antenna element 126 nor antenna element 124 shown in FIG. 3 of Kwak encircles the axis of rotation defined by the hinge element 103 of Kwak. Moreover, assuming for the sake of argument that the electrical coupling plate 121 shown in FIG. 3 of Kwak can be interpreted as an antenna element, the electrical coupling plate 121 does not encircle the axis of rotation defined by the hinge element 103 of Kwak. Therefore, for at least the foregoing reasons, Applicant respectfully submits that dependent Claim 22 is separately patentable over Kwak.

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CONCLUSION

In light of the above remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Scott Moore".

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A handwritten signature in black ink, appearing to read "Amelia Tauchen".

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